

# W5YI

## America's Oldest Ham Radio Newsletter **REPORT**

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable.

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## Ongoing Battle Between K1MAN and FCC Continues

Glenn Baxter, K1MAN of Belgrade Lakes, Maine is the Executive Director of AARA, the American Amateur Radio Association, which he calls "...your alternative to ARRL." AARA sponsors IARN, the International Amateur Radio Network. His daily IARN Amateur Information Bulletin Service began on 80 and 20 meters in 1985 and became a "talk show" in 1995.

Baxter's HF "bulletins" which are aired more than a hundred times a week became a source of annoyance and interference to other Amateur communications both nationally and internationally. The conflict blossomed into an on-air battle when amateurs and networks charged that Baxter had no right to transmit on top of their signals.

They contended that no frequency could be exclusively used by any amateur (Sec. §97.101(b)). Baxter's version is that he is not doing anything that the American Radio Relay League is not doing and that the one-way communications rules provide for "Transmissions necessary to disseminate information bulletins." (Section §97.111(b)(6).) No particular frequency bands, length of time or communications content is specified. It thus is legal to transmit material to the Amateur community about anything. "Broadcasting" is defined in the rules as "transmissions intended for reception by the general public."

In October 1990, Baxter received a \$1,500 fine for allegedly causing interference to a QSO in progress and for repeated violations of the amateur rules against broadcasting and "...willful interference."

Baxter said the fine and an FCC press release which was reprinted in the January 1991 issue of QST magazine caused great damage to his international reputation.

He appealed the fine but (according to Baxter) "No action has ever been taken to adjudicate this appeal, thus denying [his] First Amendment right to 'Petition the Government for a Redress of Grievances.'" Baxter said he was libeled again on December 28, 1992, in a FCC letter to a Congressman (Senator Howard Metzenbaum of Ohio) which stated he participated in "...illegal broadcasting and deliberate interference.

The FCC said that just because Baxter had published a schedule did not permit him to interfere with ongoing communications. Baxter filed an *Application for Review*, a type of appeal to the full Commission but it has never been acted on. K1MAN received two more fines and when they were not paid, the FCC turned them over to the U.S. Attorney for collection.

When the FCC failed to act against interference to his IARN broadcasts, Baxter took it upon himself in 1994 to send out what he called "*Standard Felony Complaint Affidavits*" to other amateurs who interfered with his (3.975 MHz) IARN Network Bulletin Service.

On January 23, 1995, the Commission ordered K1MAN to stop sending out the letters and suggested that he may lack the qualifications needed to hold an FCC license. Baxter called the FCC letter



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"emotional, unprofessional and preposterous."

On February 8, 1995, Baxter filed formal criminal charges with the Justice Department against both the ARRL and the FCC. He said his bulletins were legal "...have to be somewhere, and once established, it is a violation ...to intentionally interfere with them." He claimed he tried to negotiate with other amateurs in compliance with the rules which mandate cooperation, but was not successful. He believes that the FCC is encouraging the interference by not acting on his complaints.

It appeared to me (W5YI) that, because of HF propagation characteristics, one-way voice broadcasting below the VHF level was not in the best interest of Amateur Radio and I filed a petition in 1995 asking that they be confined to 30 MHz and above. The FCC accepted the petition as having preliminary merit (RM-8626) but later dismissed the proposal when the ARRL objected.

In the late 1990's, the FCC re-established its enforcement effort in the Amateur Service. One of the lingering high-profile problems was that of Baxter and his HF broadcasting.

## FCC visits K1MAN station

On May 14, 1999, after numerous complaints about K1MAN's "...broadcasting, deliberate interference, failure to identify, poor signal quality and erratic starting and stopping times" FCC officials from the Boston field office journeyed to the tip of Long Point at Belgrade Lakes (Maine) where K1MAN had his station.

The station was transmitting on 3.975 MHz and the agents wanted to inspect the station. But there was no one present at the station and neither were there any vehicles on the premises. The radio transmissions continued while the FCC personnel went to Baxter's residence at Point Road, but there was no one present there either.

The FCC agents went back to the station the following day while it was on the air and again attempted to inspect the station. Again no one was present.

On June 25, 1999, FCC's Riley Hollingsworth sent a letter to Glenn Baxter requesting information regarding the operation of his station. He said;

"We note from your web page and from our own monitoring, that your Amateur Radio station K1MAN makes daily radio transmissions apparently totaling 110 hours per week. We note also that often the starting times are erratic and there is no station identification transmitted at the end of the transmissions."

"The Commission's Amateur Radio Service rules require that Amateur stations be under the physical control of a control operator, and that the control operator must ensure the immediate proper operation of the station. The rules further require that station identifications be made at specific periods."

Baxter was asked to provide the name, address,

and telephone number of the control operator of K1MAN on May 14 and 15, 1999, the hours of operation and the whereabouts of the control operator on those dates.

The FCC also wanted to know if any portions of K1MAN's transmissions were automated – such as by tape control devices – or remotely controlled. And if so, it wanted for a copy of the control circuit configuration.

K1MAN was also asked to provide his programming schedule for the last year and a half, the identities of the control operator and "...the dates, times and frequencies when K1MAN has transmitted without a control operator being present since the inception of the license term on October 17, 1995." Baxter was directed to respond in writing within 30 days. "The information submitted by you will be used to determine what, if any, action to take in this matter," Hollingsworth said.

## Baxter's response

Baxter initially responded by issuing a press release saying that the letter came after the FCC was served with K1MAN's \$10 million libel suit against both the FCC and the Dept. of Justice. The lawsuit stems from the story published in QST and FCC letters contending that the FCC had made a determination that he had caused "willful interference" to radio communications. He said his timer-controlled transmissions were no different than those of the timer-controlled ARRL station W1AW.

Baxter also said that: "This thing between the FCC and K1MAN, which has been going on for over twelve years now, is finally coming to a head. The Commission has made some gigantic, intentional, and malicious errors in handling a fairly simple administrative matter, and it is now time for us to finally face off in court in front of a jury. The jury will not find this obvious FCC corruption and absolute abuse of power very amusing."

"The Hollingsworth letter is apparently a ham radio media smoke screen for the serious civil and criminal legal problems now facing the commission which is likely to be followed by a congressional probe into long standing corruption at the Commission," Baxter said.

## IARN broadcasts temporarily suspended

On September 1, 1999, K1MAN voluntarily put his IARN broadcasts on "hold" in order (according to Baxter) to prepare for a trial in his \$10,000,000 libel suit against the FCC and the US Dept. of Justice. He accepted a local school teaching position and said he would be back on the air in June of 2000. Baxter's last IARN transmissions took place on August 31, 1999.

On December 1, 1999, the U.S. District Court in Maine dismissed with prejudice Baxter's lawsuit against the FCC (which means it can't be brought back into the court again) and his *Petition for Reconsideration* of the dismissal.

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## AMATEUR RADIO LICENSE EXPIRATIONS AND RENEWALS

There seems to be a lot of confusion regarding Amateur Radio license renewals. There have been many questions concerning:

- ▶ Why didn't I get a new ten year term when I upgraded?
- ▶ When can I submit my license renewal to the FCC?
- ▶ How do I renew a club station license? -and-
- ▶ Why am I getting a Technician license when I hold a Tech Plus license? Here are the answers:

### Effective date of renewal

Back in 1994, the FCC revised the way it handles Amateur Radio license renewals. On July 13, 1994, the Commission issued the following Public Notice entitled "Changes in Amateur Processing Procedures." It read:

"The Federal Communications Commission recently changed the processing procedures for modification of Amateur licenses. Applicants who request a modification of their license, i.e.: examination for upgrade, change of name, change of mailing address or change of call sign will retain the existing license term.

"Club stations will be granted a ten (10) year license term. The expiration date will no longer be associated with the expiration date of the trustee."

In other words, the expiration date is completely separate from all other license changes. The ONLY way you can renew an Amateur Radio license is when its ten year term is up. You do NOT get another ten year term when you upgrade or make any other change.

### Renewal procedure

The previous rules had the following statement in Section 97.21(a)(3), "The application must be submitted no more than 90 days before its expiration to: FCC, 1270 Fairfield Road, Gettysburg, PA 17325- 7245."

On October 1, 1999, Section 97.21(a)(3) was revised to show that an Amateur "May apply to the FCC for renewal of the license grant for another term in accordance with § 1.913 of this chapter. (64 *Federal Register* 53242, Oct. 1, 1999.)

The FCC reorganized the administrative handling of licenses in their rules in 1999 (WT Docket No. 98-20) as part of their switch over to the Universal Licensing System. Sections that were previously in the various radio service rules were consolidated in Part 1 of the rules. Actually the reference to handling renewals should read §1.949 and not §1.913.

Section §1.949 specifies: "Application for renewal of license. (a) Applications for renewal of authorizations in the Wireless Radio Services must be filed no later than the expiration date of the authorization for which renewal is sought, and no sooner than 90 days prior to expiration." (63 *FR* 68934, Dec. 14, 1998.)

That means that a license can not be renewed ear-

lier than 90 days before the expiration date.

### Grace Period

Section 97.21(b) reads: "A person whose amateur station license grant has expired may apply to the FCC for renewal of the license grant for another term during a 2 year filing grace period. The application must be received at the address specified above prior to the end of the grace period. Unless and until the license grant is renewed, no privileges in this Part are conferred."

This means that even though your license has expired, you still have two years past the expiration to renew the license. But you may not operate your station until the renewal is granted.

### Renewing Technician Plus license

On December 22, 1999, Section 97.21(a)(3) was further revised to show that an "Application for renewal of a Technician Plus Class operator/primary station license will be processed as an application for renewal of a Technician Class operator/primary station license. (65 *Federal Register* 6550, Feb. 10, 2000.) Code credit is still retained.

### Renewing a Club license

Beginning Jan. 22, 2001, the FCC began accepting applications for new, modification of, or renewal of amateur club and military recreation station licenses only from a Club Station Call Sign Administrator (CSCSA.) The application must be electronically filed by one of the following authorized CSCSAs: There is no fee.

- **American Radio Relay League, Inc.**, 225 Main Street, Newington, CT 06111. Contact: Wayne Irwin (860) 594-0200; <[www.arrl.org](http://www.arrl.org)>; e-mail: [clubcalls@arrl.org](mailto:clubcalls@arrl.org).
- **W4VEC VE Club of America**, 3504 Stonehurst Place, High Point, NC 27265. Contact: Jim Williamson (336) 841-7576; <[www.w4vec.com](http://www.w4vec.com)>; e-mail: [w4vec@aol.com](mailto:w4vec@aol.com).
- **W5YI-VEC**, P.O. Box 565101, Dallas, TX 75356-5101. Contact: Larry Pollock (817) 461-6443; <[www.w5yi.org](http://www.w5yi.org)>; e-mail: [NB5X@w5yi.org](mailto:NB5X@w5yi.org).

### Handling the renewal

The W5YI Group mails out renewal notices four months prior to expiration. Simply return the renewal card if there are no changes. Complete the enclosed NVEC Form 605 if your name or address has changed or if you wish to sequentially change your call sign when you renew. There is a \$6.00 fee.

The ARRL renews the licenses of its members without charge. Note that it is necessary to supply your Social Security Number and Date of Birth.

In addition, a renewal may be made online at: <<https://www.w5yi.org/Secure/Renew.htm>> or on the QRZ website at: <<http://www.qrz.com/i/renewals.html>>



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## DEPT. OF COMMERCE RELEASES INTERNET REPORT

*"The expanding use of new technologies continues to strengthen our economy. More Americans can now engage in online commerce, obtain e-government services, and access valuable information. ... all segments of our Nation are included in this ongoing information revolution"*

The NTIA has released a lengthy report entitled **"A Nation Online - How Americans Are Expanding Their Use Of The Internet."** The study concludes that use of information technologies grew at phenomenal rates last year, not only in homes, but also at the workplace, schools, and other locations.

The report was based on findings of a Dept. of Commerce survey taken 6 months ago of approximately 57,000 households and more than 137,000 individuals across the United States. At the time of the survey, 60.2 million U.S. homes (or 56.5 percent) had a personal computer. Seven of every eight households with computers (88.1 percent) also subscribed to the Internet. As a result, more than half of U.S. households (53.9 million homes, or 50.5 percent) had Internet connections. "The remarkable rise to over 50 percent household penetration of both computers and the Internet occurred very quickly."

### Among some of its findings:

- ▶ The rate of growth of Internet use in the United States is currently two million new Internet users per month.
- ▶ More than half of the nation is now online. In September 2001, 143 million Americans (about 54 percent of the population) were using the Internet — an increase of 26 million in thirteen months. In September 2001, 174 million people (or 66 percent of the population) in the United States used computers.
  - Children and teenagers use computers and the Internet more than any other age group. Ninety percent of children between the ages of 5 and 17 (or 48 million) now use computers. Seventy-five percent of 14-17 year olds and 65 percent of 10-13 year olds use the Internet.
- ▶ Households with children under the age of 18 are more likely to access the Internet (62 percent) than households with no children (53 percent).
- ▶ Computers at schools substantially narrow the gap in computer usage rates for children from high and low income families.
- ▶ Internet use is increasing for people regardless of income, education, age, race, ethnicity, or gender.
- ▶ In 1997 males were more likely than females to be Internet users. Between October 1997 and August 2000, this difference disappeared. In September 2001, the Internet use rate was 53.9 percent for males and 53.8 percent for females.
- ▶ The higher a person's level of education, the more likely he or she will be a computer or Internet user. 85% of college graduates use a computer, only 17% of adults with less than a high school education.
- ▶ In September 2001, the computer use rates were highest for Asian American /Pacific Islanders (71.2 percent) and Whites (70.0 percent). Among Blacks, 55.7 percent were computer users. Almost half of Hispanics (48.8 percent) were computer users.

- ▶ Between December 1998 and September 2001, Internet use by individuals in the lowest-income households (those earning less than \$15,000 per year) increased at a 25 percent annual growth rate. Internet use among individuals in the highest-income households (those earning \$75,000 per year or more) increased from a higher base but at a much slower 11 percent annual growth rate.
- ▶ Between August 2000 and September 2001, Internet use among Blacks and Hispanics increased at annual rates of 33 and 30 percent, respectively. Whites and Asian American/Pacific Islanders experienced annual growth rates of approximately 20 percent during these same periods.
- ▶ Over the 1998 to 2001 period, growth in Internet use among people living in rural households has been at an average annual rate of 24 percent, and the percentage of Internet users in rural areas (53 percent) is now almost even with the national average (54 percent).
- ▶ The highest growth rate among different types of households is for single mothers with children (29 percent).
- ▶ Certain groups of people are more likely not to be Internet users. These non-users include households with low family incomes (75 percent of people in households where income is less than \$15,000), adults with low levels of overall education (87.2 percent of adults with less than a high school education), Hispanics—68.4 percent of all Hispanics (85.9 percent of Hispanic households where Spanish is the only language spoken) and 60.2 percent of all Blacks.
- ▶ People with mental or physical disabilities (such as blindness, deafness, or difficulty walking, typing, or leaving home) are less likely than those without such disabilities to use computers or the Internet.
- ▶ While 80 percent of Americans access the Internet through dial-up service, residential use of broadband service is rapidly expanding ...principally through cable modems (12.9 percent) and digital subscriber lines, DSL. (6.6 percent). These high-speed connections will make it easier for people to engage in distance learning programs or telemedicine and to access a whole new array of entertainment and services that are on the horizon.
- ▶ Between August 2000 and September 2001, residential use of high-speed, broadband service doubled—from about 4 to 11 percent of all individuals, and from 11 to 20 percent of Internet users
- ▶ The predominant use continued to be e-mail or instant messaging. Forty-five percent of the population now uses e-mail, up from 35 percent in 2000. Approximately one-third of Americans use the Internet to search for product and service information (36 percent, up from 26 percent in 2000). One third also searches for news, weather, and sports information on the Web. Less than 3 percent made phone calls over the Internet.
- ▶ Among Internet users, 39 percent of individuals are making online purchases and 35 percent of individuals are searching for health information.
- ▶ Approximately 24 million of the 65 million employed adults who use a computer at their job also work on a computer at home. Moreover, the presence in a household of someone who uses a computer at work makes it far more likely—by a margin of approximately 77 to 35 percent—that the household owns a computer or uses the Internet at home. Of the universe of Internet users, 10.0 percent of Internet users access the Internet at a public library; largest users: Blacks and Hispanics.



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## EMERGING COMMUNICATIONS

**A**n immensely popular Internet phenomenon is the weblog or "blog" for short. A blog is a web page made up of usually short, frequently updated posts that are arranged chronologically - like a "what's new" page, a journal or an online diary. The content and purposes of blogs varies greatly -- from links and commentary about other web sites, to news about a company/person/idea, to diaries, photos, poetry, mini-essays, project updates, even fiction. You name it.

Some blogs are for play. Some are for work. Some blobs are private, others public. Some are useful, many (most?) are not. There are now hundreds of thousands of weblogs in existence. Weblog authors are called a bloggers.

Weblogs first appeared five years ago but didn't take off until two years ago when Web-based programs allowed people to set up and maintain sites without fiddling around with lots of formatting. The most popular of these is Blogger at <www.blogger.com> which maintains 350,000 blogs. Of those 350,000 blogs, 20% were published in the last month. New blogs are showing up at the rate of more than a thousand a day!

Blogs can be collaborative and make excellent team/department/company/family communication tools. They help small groups communicate in a way that is simpler and easier to follow than email or discussion forums. Use a private blog on an intranet to allow team members to post related links, files, quotes, or commentary. Set up a family blog where relatives can share personal news.

You create a blog with a free, web-based tool (called a blogger) that helps you publish to the web instantly - whenever the urge strikes. You don't have to write any code or worry about installing server software. You make posts to your blog by submitting a simple form on a web site, and the results immediately show up on your site, with your design.

There is a weblog web ring at <www.blogphiles.com>. You can get your blog hosted for free at ad-supported <www.blogspot.com>. If you don't want any ads in it, the cost is \$12.00 a year (only \$1 a month.) A site called <www.weblogs.com> keeps track of recently changed blogs.

## GADGETS & GIZMOS

**T**imex has introduced the Internet Message Watch, a full-featured pager watch that receives e-mail, headline news, stocks, sports, weather updates and more. It also accepts both word and numeric pages with easy-to-read scrolling along the bottom of the display. Stores up to 16 messages or 1350 total characters. Lists for \$99. Operates at 900 MHz and requires a subscription to the SkyTel messaging service at \$9.95 month. Check: <www.timex.com>

**P**ersonal DVD Movie Theater. Cy-Visor is a lightweight, wearable big screen, high resolution TV screen that can be connected to your TV, DVD, VCR, home or office computer, laptop or even video games. Headset weighs less than 6 ounces and provides the equivalent of watching a 45-inch screen with SVGA 800x600 pixel resolution. Connect it to a portable DVD player and enjoy virtual big screen viewing on your next plane trip. Full stereo sound using ear plugs. (\$999.) <www.virtualresearch.com>

## INTERNET & WORLD WIDE WEB

**G**oogle, the enormously popular Internet search engine based in Mountainview, CA is one of the few web-sites that is still growing and hiring people. Employees get many perks including a staff masseuse and free gourmet meals.

They are sponsoring its "First Annual Google Programming Contest," offering \$10,000 to the person or team that can come up with the best software program for compressing, organizing, linking or otherwise manipulating a mass of raw search data. The company is providing anybody interested with the raw search data representing about 900,000 Web pages and a basic program for interpreting that information. Entries are due by April 30.

**G**oogle's sales are split evenly between targeted advertising and licenses for the use of its search software on websites like Yahoo. Google recently entered into a revenue-sharing deal with Internet Service Provider, Earthlink to provide targeted advertisements when users enter certain keywords when searching.

Only three years old, Google processes more than 150 million search que-

ries a day ...all in a fraction of a second!

Privately held, Google has more than 300 employees. They are expected to make serious money in an anticipated initial public stock offering.

**G**oogle recently hired Washington, D.C. insider Sheryl Sandberg to develop new business. Well-connected, Sandberg's job will be to acquire new corporate customers and sources of revenue. Only 32 years old, she holds a Harvard MBA, is a former World Bank economist, and most recently worked as chief of staff to former Treasury Secretary Larry Summers. Google is also looking to hire a Chief Financial Officer ...all tell-tale signs of an approaching IPO.

## WASHINGTON WHISPERS

**T**he Washington, DC-based Benton Foundation was not impressed with the NTIA's "A Nation Online" Report. (See page 3) The public interest group charged that the Bush administration has abandoned the decade-long national strategy to bridge the digital divide by stripping over \$100 million previously available for community information technology grants and training from its FY 2003 budget.

The Foundation says it eliminates tech opportunities for the working poor, underserved and rural communities, minorities and children. "The budget's clear message is that the digital divide is no longer a concern for the government [and that] the problem will somehow solve itself."

Benton's analysis of the data shows "...gaps in technology access among citizens of different educational, income, racial and geographic backgrounds.

Only one in four of America's poorest households were online in 2001 compared with eight in ten homes earning over \$75,000 per year and "this gap expanded dramatically between 1997 and 2001."

Furthermore, almost twice as many urban households have a high-speed broadband Internet connection compared to rural communities. More info at: <www.benton.org>.

**F**ederal Trade Commission declares war on e-mail con artists. The FTC has fired up its first effort to go after con artists who specifically use deceptive e-mail spam to deceive consumers. Some have already been prosecuted. They were



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caught by an FTC-initiated sting operation.

The roundup is part of the FTC's renewed focus on stamping out fraudulent e-mail advertisers.

Spam costs the spammer almost nothing. It costs the rest of us time, money, and irritation. Rather than respond to bulk e-mail, the FTC said people who get spam they don't like should forward it to the FTC. They get some 15,000 unsolicited junk e-mails passed along by consumers every day. The FTC said its database now contains more than 8 million spam messages. The FTC uses some of the addresses culled from them to mail warning letters to spammers. Send spam to: <UCE@FTC.gov>. Some e-mail services (such as Yahoo! mail) have ad-supported spam filtering devices that will automatically forward to an address you specify.

The FTC said it is finding that most bulk e-mail offers appear to be fraudulent, and if pursued, would have ripped-off unsuspecting consumers to the tune of billions of dollars.

The FTC will also pursue those who trap consumers by using their requests to unsubscribe from an e-mail lists to sell their addresses to other spammers.

**The FTC has posted a Consumer Alert to its website** naming what it calls the "Dirty Dozen," ...the 12 most prevalent scams that you are likely to receive via bulk mail.

**1. Business opportunities** – which make it sound easy to start a business that will bring lots of income without much work or cash outlay. Many of these are illegal pyramid schemes.

**2. Bulk e-mail** – offers to sell you lists of e-mail addresses, by the millions, to which you can send your own bulk solicitations. Some offer software that automates the sending of e-mail messages to thousands or millions of recipients. Sending bulk e-mail violates the terms of service of most Internet Service Providers.

**3. Chain letters** – in which you are asked to send a small amount of money (\$5 to \$20) to each of four or five names on a list, replace one of the names on the list with your own, and then forward the revised message via bulk e-mail. People who participate almost always lose their money.

**4. Work-at-home schemes** – Envelope-stuffing solicitations promise steady income for minimal labor-for example, you'll earn \$2 each time you fold a brochure and seal it in an envelope. You'll pay a small fee to get started in the envelope-stuffing business. Then, you'll learn that the e-mail sender never had real em-

ployment to offer. Instead, you'll get instructions on how to send the same envelope-stuffing ad in your own bulk e-mailings.

**5. Health and diet scams** – Pills that let you lose weight without exercising or changing your diet, herbal formulas that liquefy your fat cells so that they are absorbed by your body, and cures for impotence and hair loss are among the scams flooding e-mail boxes. These gimmicks simply don't work.

**6. Effortless income** – get-rich-quick schemes offer unlimited profits exchanging money on world currency markets; newsletters describing a variety of easy-money opportunities; the perfect sales letter; the secret to making \$4,000 in one day, and other systems that don't work. Success usually requires hard work.

**7. Free goods** – messages offer valuable goods. You're asked to pay a fee to join a club, then told that to earn the offered goods, you have to bring in a certain number of participants. Most of these messages are covering up pyramid schemes that inevitably collapse.

**8. Investment schemes** – promise high rates of return with little or no risk. One version seeks investors to help form an offshore bank. Others are vague about the nature of the investment, stressing the rates of return. Many are Ponzi schemes, in which early investors are paid off with money contributed by later investors. Ponzi schemes eventually collapse because there isn't enough money coming in to continue simulating earnings. Other schemes are a good investment for the promoters, but not for participants.

**9. Cable descrambler kits** – that supposedly allow you to receive cable television transmissions without paying any subscription fee. The device that you build probably won't work. And even if it worked, stealing service from a cable television company is illegal.

**10. Guaranteed loans or credit scams** – offer home-equity loans that don't require equity in your home, as well as solicitations for guaranteed, unsecured credit cards, regardless of your credit history. Sometimes they are combined with pyramid schemes, which offer you an opportunity to make money by attracting new participants to the scheme. The home equity loans turn out to be useless lists of lenders who will turn you down if you don't meet their qualifications. The promised credit cards never come through, and the pyramid money-making schemes always collapse.

**11. Credit repair scams** – offer to erase accurate negative information from your credit file so you can qualify for a credit card, auto loan, home mortgage, or a job. The scam artists who promote these services can't deliver. Only time, a deliberate effort, and a personal debt repayment plan will improve your credit.

**12. Vacation prize promotions** – Electronic "certificates" congratulate you on "winning" a fabulous vacation for a very attractive price are among the scams arriving in your e-mail. Some say you have been "specially se-

lected" for this opportunity. Most unsolicited commercial e-mail goes to thousands or millions of recipients at a time. And the (usually low quality) vacation comes with many strings attached ...or may require an additional fee.

To file a complaint or get free information on consumer issues, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the FTC's online complaint form located at: <www.ftc.gov>

**Nineteen states have passed spam-specific laws that prohibit false messages or headers.** Some require labels (such as "ADV") at the beginning of subject lines, and must include the sender's e-mail address and opt-out instructions which must be honored. Check anti-spam laws at <www.spamlaws.com> and <law.spamcon.org>.

Information about anti-spam legislation currently before Congress can be found at: <www.cauce.org/legislation>. CAUCE (rhymes with "sauce") is the 30,000 member strong "Coalition Against Unsolicited Commercial E-mail".

**The FCC has refused to hear an appeal by Gary D. White, an Illinois CB operator** who was convicted under Illinois law for Disorderly Conduct arising from the use of his Citizen's Band radio. White appealed the conviction to the Commission.

White believes the citation was based on interference to a neighbor's telephone and television which, in itself, is not a violation of the rules. He was not found to be operating his equipment illegally.

Finding that the FCC was unable to act on most rule violations, on November 22, 2000, Congress passed a law to allow State and local governments to enact laws enforcing violations of existing CB radio rules. Congress concluded that failure to operate within the rules "...was causing unnecessary and harmful interference for other people using radio devices operating in nearby spectrum bands, including consumer telephones and televisions."

An appeal process was established for incidents where it was believed that a State or local government had acted outside the authority granted by Congress.

The FCC said White was convicted of operating his CB radio equipment in an "unreasonably loud, offensive, harassing or threatening manner" and not for violating FCC rules. He received a sixty-day suspended sentence and a fine of \$225.00 for Disorderly Conduct.



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**T**he FCC adopted rules in late 2000 that precluded pirate broadcasters from ever obtaining a Low-Power FM station license. The provision was put in place after Congress passed a law prohibiting anyone who had been a pirate broadcaster from obtaining a license for a new low-power station.

The Washington DC Circuit Court of Appeals has now struck down as unconstitutional the so-called "character provision" passed by Congress. Circuit Judge Tatel wrote the opinion for the court in the case, *Ruggieo v. FCC*. Greg Ruggiero was a former NYC pirate broadcaster.

Despite the ruling, the FCC still has the authority on a case by case basis to deny a license to a previous unlicensed broadcaster. The FCC began accepting LPFM station applications in 1999. The possibility that a pirate broadcasters could obtain a legal station license was fiercely opposed by the *National Association of Broadcasters* who lobbied Congress.

## AMATEUR RADIO NEWS

### FCC Amateur Radio Enforcement

**Bryan C. Bailey KD5PXQ (Hurst, TX)** had his pending license canceled when he declined to provide requested information to the FCC. The Commission had been looking into complaints relating to Bailey's operation prior to receiving his license and alleged deliberate interference. Evidence also indicates that Bailey interfered with a tornado sighting report last fall.

**Anthony F. Scolavino KB2NGR (Brooklyn, NY)** received an FCC warning for transmitting on 14.178 MHz for nearly an hour, a frequency not permitted by his Technician Class license. The transmissions may have been "inadvertent" due to an open microphone. He is to contact the FCC.

**Fabian Rodriguez-Rosas WP4MZS (Mayaguez, PR)** was monitored on August 19, 2001 operating SSB on 14.310 MHz, a frequency not authorized used his Technician license. He, too is to contact the FCC.

**Kent Hopkins (Sparta, GA)** was advised that a Part 15 electrical device (in this case, an electric fence) may be causing harmful interference to operators in the Amateur Radio Service.

The FCC said "Under FCC rules, most electrical equipment is classified as an 'incidental radiator.' This term is used to describe equipment that does not intentionally generate any radio-frequency energy, but that may create such energy as an incidental part of its intended operation.

"To help you better understand your responsibilities under FCC rules, here are the most important rules relating to radio and television interference from incidental radiators:

#### "Section 15.5 General conditions.

(b) Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.

(c) The operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.

#### "Section 15.13 Incidental radiators:

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

#### "Sec. 15.15 Technical requirements.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of Part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems.

The complainant had attempted to resolve the problem with Mr. Kent without success. The FCC said "...this unresolved problem may be a violation of FCC rules and could result in a monetary forfeiture...." Kent was encouraged to contact the ARRL for assistance.

**Elmer B. Harris, CEO of the Alabama Power Co., Inc., (Birmingham, AL)** has been contacted by the FCC relative to their causing possible harmful interference to the Amateur Radio Service. They were sent a letter similar to the one sent to Kent Hopkins. (Above)

**Ronald Marshott N2NGY (Berkely Heights, NJ), Zack Elliott K2BLU (Haworth, NJ), Martin J. Bellingeri W2OT (Saddle Brook, NJ) and Frank J. Grzych WF1U (Johnston, RI)** were all sent official warning notices. The FCC said that monitoring information indicated they were transmitting music on 3.832 MHz on the evening of November 27, 2001 in violation of rules Section 97.113(a)(4).

**The FCC has dismissed the complaint** filed by Charles A. Esposito against Joseph D. Bushell, Jr. W3DWR (Live Oak, FL) as being frivolous. Esposito had alleged that Bushell was causing interference to the K4EHM repeater.

**Christopher J. Busacco N3GRO (Stroudsburg, PA)** has been warned by the FCC about "...interference to the Monroe and Luzerne county, Pennsylvania emergency management communication system, the Pennsylvania Turnpike radio system, the SKYWARN system and Amateur repeater N3DZM." Further interference will subject Busacco to criminal prosecution, a fine of up to \$10,000 and seizure of his equipment.

**Jack Gerritson, ex-KG6IRO (Bell, CA)** has been re-arrested for unlicensed operation and parole violations. On November 14, 2001, the license for Jack Gerritson, KG6IRO, granted on November 8, 2001 was set aside after the Commission received information that he had been arrested and convicted in 1999 for radio interference to the Los Angeles Police Department and that he was out on parole after serving one year of a 5 year term.

Gerritson continued operating and causing deliberate interference to numerous Amateur radio repeaters in the Los Angeles area.

On January 29, Los Angeles agents participated in a pre-dawn arrest of Gerritson, in response to complaints of death threats made by Gerritson on 2-Meter Amateur frequencies. A no-bail search and arrest warrant was served on Gerritson for violating the terms of his parole, which prohibited him from possessing radio-transmitting equipment.

Gerritson, at the time of arrest, had over 20 radios and 8 were capable of operating on frequencies in the Amateur, Marine, Land Mobile and Public Safety bands. He also had a Marine radio hidden in a closet with batteries connected to it,



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## GOVERNMENT REPORT CONCLUDES ENERGY, WATER AND RAILROADS NEED MORE SPECTRUM

*"Spectrum usage is an important part of these industries' core operations, ranging from routine maintenance to emergency response. Congestion leads to problems of interference, further leading to erosion of core communications functions."*

The National Telecommunications and Information Administration manages the federal government's use of the radio spectrum. The NTIA is also responsible for developing U.S. telecommunications policy and establishing policies concerning spectrum assignments. The FCC has authority over commercial spectrum use, as well as the use of spectrum by state and local governments.

NTIA and FCC manage the spectrum through a system of frequency allocations. With the explosion of cell phones and other wireless devices, "spectrum" is the most valuable resource in the emerging information economy, worth hundreds of billions of dollars.

"Spectrum" ...commonly called "the airwaves" is a publicly held common asset owned collectively by all Americans. The *Communications Act of 1934* prohibits private ownership of spectrum, permitting only temporary licenses consistent with the public interest.

The vast majority of spectrum use for both the private sector and the Federal government is below 30,000 MHz (or 30 GHz). In the 0 to 30,000 MHz range, the government exclusive allocation is 7% (2271 MHz), non-government users have 30% (8961 MHz), and the remainder (63%) (18768 MHz) is shared.

Public Law (PL) 106-553 directed the NTIA to submit to Congress a study of the current and future use of spectrum by providers of energy, water, and railroad services to protect and maintain the Nation's critical infrastructure. The report was released on Friday, February 1.

As expected, the NTIA report concludes that in light of the Sept. 11<sup>th</sup> attacks, more spectrum is needed for water, petroleum and railroad providers to handle new wireless technology and increasing traffic loads. In its investigation into the use of spectrum by these industries, NTIA said it recognized the vital roles the railroad, water, and energy industries play in the Nation's critical infrastructure.

"The events of Sept. 11, 2001, have underlined the importance of these industries and the role they play not only in our daily lives, but in times of disaster response and recovery. When the World Trade Center collapsed, utilities needed to be shut off or restored. It was important for sufficient water pressure to be continuously available for firefighting, and when the airlines were grounded, people and commerce relied more on the railroad industry for transportation."

NTIA believes the significance of these industries and the urgency of these issues may have changed as a result of the Sept. 11<sup>th</sup> events. The agency said "...it is of

utmost importance that the FCC revisit these critical issues in order to accommodate the increasing role these industries play in maintaining quality of life."

The report says that energy and water suppliers and the railroads are quickly using up the spectrum they are now allocated and that congestion is becoming a critical issue.

## ATTACKS PUT ADDITIONAL PRESSURE ON SPECTRUM

*"Access to the radio frequency spectrum is also critically important to federal, state, and local governments for national security, public safety, and other governmental functions. Specifically, while the national interest in a broad sense may be served by a robust commercial mobile wireless system, national security also requires that the federal government be able to meet its unique communications requirements to support domestic training and worldwide military operations. Thus, determining the proper use of a limited amount of spectrum, today and in the future, is a challenging and complex task due to competing industry and governmental demands." Quote from recent General Accounting Office report.*

In light of the Sept. 11<sup>th</sup> terrorists attacks, defense officials have sharpened their focus on spectrum management. And frequency issues have been elevated to a higher level by Defense Secretary Donald Rumsfeld. It is reported that tension is mounting between the FCC, which oversees commercial and private sector spectrum and the NTIA which manages government frequencies. Industry needs spectrum for new commercial wireless ventures; the DoD is concerned about national security.

The Dept. of Defense has identified several areas in which it needs additional spectrum. Its mobile operations, including aeronautical, maritime, and land tactical uses, are currently conducted in the 30-88 MHz, 138-144 MHz, 225-400 MHz, and certain other bands. The DoD says it needs more VHF/UHF spectrum. Key uses for these mobile systems include combat net radios (voice and data), situational awareness (position location and reporting), and battlefield personal communications systems.

The General Accounting Office, the investigative arm of Congress, primarily examines the use of public funds and evaluates federal programs and activities.

GAO said that "Before making reallocation decisions with a significant impact on national security and the economic welfare of the nation, the federal government should approach the alternatives with knowledge gained from a sound and complete analysis." They recommended that the DoD complete a system-by-system analysis to determine current and future spectrum needs and prepare a long-range spectrum plan.

FCC Chairman Mike Powell is expected to appoint a "Spectrum Referee" to direct an interagency task force on frequency management. The NTIA, the Defense Department and other spectrum users are expected to be part of the task force which will "...define the problems and determine priorities."



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## [K1MAN, Continued from page 2]

He wants the appellate court to reverse the District Court's dismissal and to remand the case back to the District Court for trial by jury.

### Baxter returns to the amateur airwaves

K1MAN and the IARN Amateur Radio Talk Show returned on 16 October 2001. On January 29, 2002, FCC's Riley Hollingsworth again sent a certified letter to Glenn Baxter, K1MAN. That letter basically restated the information that was in the June 25, 1999 letter.

"Since the Amateur Radio Service rules require that Amateur stations be under the control of a control operator, and that the control operator must ensure the immediate proper operation of the station, we requested by letter dated June 25, 1999, that you provide information to the Commission ...regarding the operation of your Amateur station."

"You responded by letter dated July 25, 1999, but your response failed to provide the information we requested. We notified you of that fact by letter dated August 4, 1999, and detailed the inadequacies of your response."

"Specifically, you did not provide the name, address or phone number of the control operator for any of the 'broadcasts' or 'bulletins' such as prerecorded interviews, transmissions of answering machine responses, live interviews, or live, pre-recorded or automated station identifications transmitted by your station. Among other deficiencies of the response, you did not provide dates and times Amateur station K1MAN transmitted without a control operator."

"You also stated in your July 25, 1999 reply that you had not received our June 25 letter by certified mail and that our letter had "misrepresented itself as Certified Mail". We reminded you that you had signed the certified receipt for that letter, and we provided you with a copy of that certified receipt."

"You responded to our August 4 letter by letter dated August 24, 1999. During our review of the information you provided, your Amateur station ceased operation. As a result, we held our inquiry in abeyance. The U.S. District Court in Maine subsequently dismissed your lawsuit against the Commission, and dismissed your petition for reconsideration of that dismissal as well."

"You recently resumed operation of Amateur station K1MAN. In view of that resumption and the resulting complaints we are receiving about deliberate interference, threats against those who do not relinquish frequencies for your use or who would complain, or who have complained, erratic operation, broadcasting, unauthorized tape recording and broadcast of telephone conversations, business use of an Amateur station and lack of station control, we have resumed our inquiry into the operation of K1MAN."

"In reviewing your letter dated August 24, 1999, referenced above, and your actions subsequent to coming back on Amateur frequencies, it appears that your understanding of certain Amateur Radio Service rules may be incorrect."

"We will outline the apparent misunderstandings below."

### Amateur Station Control

"With regard to control of an Amateur station, your letter of August 24 indicated that the control device for your station was a "Radio Shack timer", and that the control points for the station were "the main power switch at the transmitter site" and at the location of the control operator, wherever that may be". You further stated that on the dates in question, May 14 and 15, 1999, you were the control operator and were in "both Belgrade Lakes and Augusta in either mobile or portable modes".

Section 97.7 of the Commission's rules states that "when transmitting, each Amateur station must have a control operator". Section 97.105 states that "the control operator must ensure the immediate proper operation of the station, regardless of the type of control (emphasis added)". Section 97.109 states that "each Amateur station must have at least one control point", and that the control operator must be at the control point when the station is locally controlled or remotely controlled.

"Section 97.7 further states that a control operator need not be at the control point if a station is automatically controlled. However, as Section 97.109 also explains, only stations specifically designated in Part 97, such as a space, repeater, beacon or auxiliary station, may be controlled automatically. There is no provision in Part 97 that allows an Amateur station transmitting information bulletins to be automatically controlled.

"In summary, your control of the station by a 'Radio Shack timer' while you are absent from your Amateur station is a violation of the Commission's Rules. You were not in control of your station on May 14 and 15, 1999 while you were in 'both Belgrade Lakes and Augusta in either mobile or portable modes'. Your statement in your response that 'K1MAN has never transmitted during the current license term without a control operator acting in full compliance with rules §97.105 and §97.109 as well as all other applicable FCC rules' is untrue.

"Simply put, to comply with Commission rules, you must be at the transmitter, or at the transmitter control point, every moment your station is transmitting, when your station is locally or remotely controlled. If the station is controlled by telecommand from the control point using a radio link, the frequencies used for telecommand must comply with the Section 97.201 requirements for an auxiliary station (may transmit only on the 1.25 m and shorter wavelength bands, except 219-220, 222-222.150, 431-433 and 435-438 MHz segments)."



### Publishing a Transmitting Schedule & Interference

"It appears that you may be under the misconception that by publishing a transmitting schedule of K1MAN, you have certain rights under Commission rules regarding the control operator and frequency sharing requirements that you would not otherwise have.

"With regard to the requirement for a control operator, publishing a schedule does not relieve you of that requirement in any way whatsoever. Section 97.113(d) of the Amateur Radio rules states that by publishing a schedule of transmissions at least 30 days in advance, a control operator of a club station may accept compensation for the periods of time when the station is transmitting...information bulletins, providing certain additional conditions are met. Publishing a schedule of proposed transmissions, therefore, relates only to a club station control operator accepting compensation. We note that this is irrelevant to the operation of K1MAN because K1MAN is not a club station.

"Simply put, to the extent that you start your transmissions on top of ongoing communications of other amateur service stations, you will be engaging in deliberate interference, in violation of Section §97.101 of the Commission's rules. No amateur service frequency is assigned for the exclusive use of any station. Your publishing an intended transmission schedule does not exempt you from that rule."

### Threats to Complainants and Other Users

Your sending 'Felony Complaint Affidavits' to other Amateur Service licensees who complain or intend to complain of your operation, or who do not relinquish frequencies to you, was the subject of a Warning letter to you dated December 11, 2001. You have also been warned about such 'Felony Complaint Affidavits' by the United States Attorney in Maine.

"The Commission will view any threats made by telephone, through the U.S. Mail or on radio frequencies to Amateur Radio licensees who file complaints with the Commission, or who do not relinquish frequencies for your use, as very serious.

### Broadcasting

We also note that on your web site and in your radio transmissions, you refer to your transmissions variously as "...broadcasts, programs, talk shows, bulletins, pre-recorded interviews" and so forth. We have received complaints that you have broadcast comedy shows and commercial messages.

"We caution you that Section §97.113(b) of the Amateur service rules prohibits amateur station from engaging in any form of broadcasting. Certain one-way transmissions, such as information bulletins, are allowed as specified in the rules."

### Recording/Broadcasting Telephone Conversations

"We have received and have under review complaints that you have tape-recorded telephone conversations without the consent of the recorded party and that you have broadcast such tape recordings. We caution you that such recording without consent may be in violation of state or federal law. We will contact you under separate cover regarding those complaints.

"In summary, it is very important for you to understand that we will review all valid complaints concerning the operation of your Amateur station, and that Commission personnel will again inspect your station. The rules of the Amateur Service are straightforward and easy to understand. To the extent that you do not comply with Commission rules regarding the Amateur Radio Service, then to that extent enforcement action will be taken against your licenses.

"That enforcement action may include revocation of your station license, suspension of your operator license, a modification proceeding to restrict your operating privileges, or monetary forfeiture.

"It is also important for you to understand that if these matters are not resolved, your operator/primary station licenses will not be routinely renewed; but instead will be designated for hearing before an Administrative Law Judge. In such a proceeding, you would have the burden of proof to show that your licenses should be renewed." The letter was signed by W. Riley Hollingsworth, Special Counsel, Enforcement Bureau. K1MAN's Extra Class license does not come up for renewal until Oct. 17, 2005.

### Baxter's defiant response

On February 2, 2002, Baxter released the following message:

#### FOR IMMEDIATE RELEASE:

K1MAN has received a Certified letter dated 29 January 2002 from FCC Special Counsel Riley Hollingsworth discussing various FCC rules and then wrongly concluding that: "...to the extent that you start your transmissions on top of ongoing communications of other amateur service stations, you will be engaging in deliberate interference...."

"We respond to Mr. Hollingsworth as follows:

"Dear Mr. Hollingsworth:

"With reference to your letter to me dated 29 January, 2002, amateur station K1MAN is in compliance with all part 97 rules as well as all state and federal laws. A scheduled bulletin service such as W1AW or K1MAN does not constitute the felony of 'deliberate interference' or violation of part 97.101 as you suggest, however, and I encourage you request a refund from wherever it is that you claim to have studied law. 73. (signed) Glenn A. Baxter, P.E., K1MAN, (Dated: 2 February 2002)"